7246/58775

<u>REMARKS</u>

Claims 1, 6-11, and 16-21 remain in the application and claims 1 and 11 have been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 1, 7, 8, and 11 under 35 USC 103(a), as being unpatentable over Morioka et al. in view of Raju et al.

A feature of the present invention is a recording medium for storing data programs and including <u>a first management area</u> for storing index data, e.g., a first table of contents (TOC), for managing the programs, wherein the index data is an imperfect index data, e.g., scrambled, so that the programs are unreproduceable from the recording medium, and <u>a second management area</u> for recording management data, e.g., an auxiliary TOC, for identifying the data programs and/or the index data. See Fig. 6 and page 28, line 5 to page 29, line 18 of the present application, for example.

Another feature of the present invention is a means for generating a perfect index data based on the management data, e.g., the auxiliary TOC, recorded in the second management area.

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Independent claims 1 and 11 have been amended to recite these features of the present invention.

It is respectfully submitted that the combination of Morioka et al. in view of Raju et al. fails to show or suggest a recording medium having programs and an imperfect index recorded in a first management area, generating a perfect index based on management data recorded in a second management area, and rewriting the imperfect index data with the perfect index data so that the programs are reproduceable.

The Office Action at paragraphs 6 and 8 concedes that Morioka et al. fails to show or suggest an imperfect index recorded in a management area, generating a perfect index, and rewriting the imperfect index with the perfect index and cites Raju et al. as curing this deficiency.

It is respectfully submitted that Raju et al. fails to show or suggest a recording medium having programs and an imperfect index recorded in a first management area, generating a perfect index based on management data recorded in a second management area, and rewriting the imperfect index data with the perfect index data so that the programs are reproduceable. Raju et al. is merely showing how to restore an index that has become corrupted and is silent

about generating a perfect index based on management data recorded in a second management area of the recording medium.

Accordingly, it is respectfully submitted that amended independent claims 1 and 11, and the claims depending therefrom, are patentably distinct over Morioka et al. in view of Raju et al.

Reconsideration is respectfully requested of the rejection of claims 6, 9, 10, and 16-21 under 35 USC 103(a), as being unpatentable over Morioka et al., Raju et al., and Russo.

Claims 6, 9, and 10 depend from claim 1, and claims 16-21 depend from claim 11, respectively. The rejection of claims 1 and 11 over Morioka et al. and Raju et al. has been addressed above and, because there are no features in Russo that somehow could be combined with Morioka et al. and Raju et al. and result in the presently claimed Invention, it is respectfully submitted that claims 6, 9, and 10 and 16-21 are patentably distinct over Morioka et al., Raju et al., and Russo.

The prior art made of record and not relied upon has been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

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Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the claims hereby raise no new issues requiring further consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to further define and emphasize the novel features of this invention.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend claims 1 and 11 by rewriting same to read as follows.

--1. (Three Times Amended) A recording and reproducing apparatus, comprising:

a storing portion for storing data programs and including a <u>first</u> management area for storing index data for managing said data programs, wherein said index data is an imperfect index data so that said data programs are unreproduceable from said storing portion, <u>and a second</u> <u>management area for recording management data for</u> <u>identifying said data programs and/or said index data</u>;

a recording and reproducing portion for recording and reproducing data from said storing portion; and

a signal generating portion for generating a perfect index data <u>based on said management data</u> so that said data programs are reproduceable by said recording and reproducing portion,

wherein when said signal generating portion transmits said perfect index data to said recording and reproducing portion, said recording and reproducing portion rewrites

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said imperfect index data with said perfect index data and
is enabled to reproduce said stored data programs stored in
said storing portion.

--11.   (Three   Times   Amended)   A   recording   and
reproducing apparatus, comprising:

a recording and reproducing portion, having a storing
portion for storing data programs and including a first
management area for storing index data for managing said
data programs, wherein said index data is an imperfect index
data so that said data programs are unreproduceable from
said storing portion, and a second management area for
recording management data for identifying said data program
and/or said index data, and said recording and reproducing
portion records and reproduces data to/from said storing
portion; and

a server unit having a signal generating portion for
generating a perfect index data based on said management
data so that said data programs are reproduceable by said
recording and reproducing portion,

wherein when said signal generating portion transmits
said perfect index data to said recording and reproducing
portion, said recording and reproducing portion rewrites

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said imperfect index data with said perfect index data and is enabled to reproduce said stored data programs stored in said storing portion.--